

# THE JUVENILE JUSTICE COMMITTEE

### **ACTION PACKET**

Wednesday, February 8, 2006 10:45 – 11:45 AM

# Juvenile Justice Committee 2/8/2006 10:45:00AM

Location: 24 HOB

Print Date: 2/8/2006 1:41 pm

#### Attendance:

	Present	Absent	Excused
Faye Culp (Chair)	X		
Gustavo Barreiro			X
Audrey Gibson	X		
Matthew Meadows	X		
Mitch Needelman	X		
Frank Peterman	X		***
Anthony Traviesa	X		
Totals:	6	0	1

# Juvenile Justice Committee 2/8/2006 10:45:00AM

Location: 24 HOB

HB 335 : Juvenile Justice

Print Date: 2/8/2006 1:41 pm

	. Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gustavo Barreiro			X		
Audrey Gibson	X				
Matthew Meadows	X				
Mitch Needelman	X				
Frank Peterman	Х				
Anthony Traviesa	· X				
Faye Culp (Chair)	X				
	Total Yeas: 6	Total Nays:	0		

#### HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 335

#### COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_ (Y/N)
ADOPTED AS AMENDED \_\_\_ (Y/N)
ADOPTED W/O OBJECTION \_\_\_ (Y/N)
FAILED TO ADOPT \_\_\_ (Y/N)
WITHDRAWN \_\_\_ (Y/N)

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Council/Committee hearing bill: Juvenile Justice Committee Representative Culp offered the following:

#### Amendment (with title amendment)

Between lines 352 and 353, insert:

Section 7. Section 985.412, Florida Statutes, is amended to read:

- 985.412 <u>Program review and reporting requirements</u> <del>Quality</del> <del>assurance and cost-effectiveness.--</del>
- (1) <u>LEGISLATIVE PURPOSE.--</u> It is the intent of the Legislature that the department:
- (a) Ensure that information be provided to decisionmakers in a timely manner so that resources are allocated to programs that of the department which achieve desired performance levels.
- (b) Collect and analyze available statistical data for the purpose of ongoing evaluation of all programs.
- (c) (b) Provide information about the cost of such programs and their differential effectiveness so that program the quality may of such programs can be compared and improvements made continually.
- (d) (c) Provide information to aid in developing related policy issues and concerns.

(e) (d) Provide information to the public about the

effectiveness of such programs in meeting established goals and

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objectives.

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- (f) <del>(e)</del> Provide a basis for a system of accountability so that each youth <del>client</del> is afforded the best programs to meet his or her needs.
  - (g) (f) Improve service delivery to youth <del>clients</del>.
- (h) <del>(g)</del> Modify or eliminate activities that are not effective.
  - DEFINITIONS. -- As used in this section, the term: (2)
- "Youth" "Client" means any person who is being provided treatment or services by the department or by a provider under contract with the department.
- (b) "Program" means any facility, service, or program for youth, which is operated by the department or by a provider under contract with the department.
- (c) (b) "Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.
- (c) "Program effectiveness" means the ability of the program to achieve desired client outcomes, goals, and objectives.
- (d) "Program group" means a collection of programs with sufficient similarity of function, services, and youth to permit appropriate comparisons among programs within the group.
- (3) OUTCOME EVALUATION. -- The department, in consultation with the Office of Economic and Demographic Research, Office of Program Policy Analysis and Government Accountability, and contract service providers, shall develop and utilize a standard

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- methodology for annually measuring, evaluating, and reporting

  program outputs and youth outcomes for each program and program

  group.
  - (a) The standard methodology must:
  - 1. Incorporate, whenever possible, performance-based budgeting measures.
  - 2. Include common terminology and operational definitions for measuring the performance of system and program administration, program outputs, and youth outcomes.
  - 3. Specify program outputs for each program and for each program group within the juvenile justice continuum.
  - 4. Specify desired youth outcomes and methods by which to measure youth outcomes for each program and program group.
  - (b) By February 15 of each year, the department shall submit to the appropriate substantive and fiscal committees of each house of the Legislature and the Governor, a report that identifies and describes:
  - 1. The standard methodology implemented under paragraph (a).
    - 2. The programs offered within each program group.
  - 3. The demographic profile and offense history of youth served in each program group.
  - 4. The actual program outputs and youth outcomes achieved in each program group.

    The department shall annually collect and report cost data for every program operated or contracted by the department. The cost

data shall conform to a format approved by the department and the Legislature. Uniform cost data shall be reported and

collected for state-operated and contracted programs so that

comparisons can be made among programs. The department shall

ensure that there is accurate cost accounting for state-operated

services including market-equivalent rent and other shared cost. The cost of the educational program provided to a residential facility shall be reported and included in the cost of a program. The department shall submit an annual cost report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than December 1 of each year. Cost-benefit analysis for educational programs will be developed and implemented in collaboration with and in cooperation with the Department of Education, local providers, and local school districts. Cost data for the report shall include data collected by the Department of Education for the purposes of preparing the annual report required by s. 1003.52(19).

- (4) PROGRAM ACCOUNTABILITY MEASURES. (a) The department of Juvenile Justice, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program. Program recidivism rates shall be a component of the model.
- (a) The cost-effectiveness model shall compare program costs to expected and actual youth recidivism rates client outcomes and program outputs. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model and to integrate the standard methodology developed under s. 985.401(4) for interpreting program outcome evaluations.
- (b) The department shall rank commitment programs based on the cost-effectiveness model and shall submit a report to the

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appropriate substantive and fiscal committees of each house of the Legislature by January 15 December 31 of each year.

- and program outputs and on the department's most recent costeffectiveness rankings, the department may terminate a

  commitment program operated by the department or a provider if
  the program has failed to achieve a minimum threshold of program

  cost-effectiveness. This paragraph does not preclude the
  department from terminating a contract as provided under this
  section or as otherwise provided by law or contract, and does
  not limit the department's authority to enter into or terminate
  a contract.
- (d) In collaboration with the Office of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.
- (e) Contingent upon specific appropriation, the department, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall:
- 1. Construct a profile of each commitment program that uses the results of the quality assurance report required by this section, the cost-effectiveness report required in this subsection, and other reports available to the department.
- 2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1.

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- Identify the essential factors that contribute to the high, low, or disparate program ratings.
- 4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, youth client outcomes and program outputs, provider contracts, quality assurance standards, and the cost-effectiveness model.
  - (5) QUALITY ASSURANCE. -- The department shall:
- Establish a comprehensive quality assurance system for each program operated by the department or operated by a provider under contract with the department. Each contract entered into by the department must provide for quality assurance.
- (b) Provide operational definitions of and criteria for quality assurance for each specific program component.
- Establish quality assurance goals and objectives for each specific program component.
- Establish the information and specific data elements required for the quality assurance program.
- Develop a quality assurance manual of specific. standardized terminology and procedures to be followed by each program.
- (f) Evaluate each program operated by the department or a provider under a contract with the department and establish minimum thresholds for each program component. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the canceled service for a period of 12 months. If a department-operated program fails to meet the

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established minimum thresholds, the department must take necessary and sufficient steps to ensure and document program changes to achieve compliance with the established minimum thresholds. If the department-operated program fails to achieve compliance with the established minimum thresholds within 6 months and if there are no documented extenuating circumstances, the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to:

- Contracting out for the services provided in the program;
- 2. Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds;
  - 3. Redesigning the program; or
  - 4. Realigning the program.
- <u>(g)</u> The department shall Submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature and the Governor, by no later than February 1 of each year. The annual report must contain, at a minimum, for each specific program component:
- $\underline{1.}$  A comprehensive description of the population served.—by the program;
- 2. A specific description of its the services. by the
  program;
- 3. A summary of its performance for each program component evaluated.

cost comparisons may be made among programs. For residential

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236 237 program. + 5. A comparison of expenditures to federal and state funding. + 6. Immediate and long-range concerns.; and

programs, the cost data must include the cost of its educational

4. Cost data that is reported in a uniform format so that

7. Recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The department shall ensure the reliability and validity of the information contained in the report.

(6) The department shall collect and analyze available statistical data for the purpose of ongoing evaluation of all programs. The department shall provide the Legislature with necessary information and reports to enable the Legislature to make informed decisions regarding the effectiveness of, and any needed changes in, services, programs, policies, and laws.

(7) No later than November 1, 2001, the department shall submit a proposal to the Legislature concerning funding incentives and disincentives for the department and for providers under contract with the department. The recommendations for funding incentives and disincentives shall be based upon both quality assurance performance and costeffectiveness performance. The proposal should strive to achieve consistency in incentives and disincentives for both departmentoperated and contractor-provided programs. The department may include recommendations for the use of liquidated damages in the proposal; however, the department is not presently authorized to contract for liquidated damages in non-hardware-secure facilities until January 1, 2002.

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239 ======== T I T L E A M E N D M E N T ========

analyze specified data; creating and revising definitions;

outcomes; requiring an annual report; specifying report

programs; revising cost-effectiveness model for commitment

outdated incentive and disincentive proposal requirements;

requiring the development of a standard methodology for annually

measuring, evaluating, and reporting program outputs and youth

contents; repealing requirement for an annual cost data report;

repealing requirement for a cost benefit analysis of educational

programs; revising cost-effectiveness report due date; revising

requirements for annual quality assurance reporting; repealing

repealing outdated authorization for liquidated damages contract

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On line 16, after the ";" insert: 241 amending s. 985.412, F.S.; directing department to collect and

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provisions;

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# HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 2 (for drafter's use only)

Bill No. HB 335

# COUNCIL/COMMITTEE ACTION ADOPTED \_\_\_ (Y/N) ADOPTED AS AMENDED \_\_\_ (Y/N) ADOPTED W/O OBJECTION \_\_\_ (Y/N) FAILED TO ADOPT \_\_\_ (Y/N) WITHDRAWN \_\_\_ (Y/N) OTHER

Council/Committee hearing bill: Juvenile Justice Committee Representative Negron offered the following:

#### Amendment (with title amendment)

Remove lines 20 through 67 and insert:

Section 1. Paragraph (e) is added to subsection (1) of section 985.207, Florida Statutes, to read:

985.207 Taking a child into custody.-

- (1) A child may be taken into custody under the following circumstances:
- (e) When a law enforcement officer has probable cause to believe that a child, who is awaiting disposition, has violated conditions imposed by the court under s. 985.228(5) in his or her order of adjudication of delinquency.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 2. Subsection (2) and paragraphs (d) and (g) of subsection (5) of section 985.215, Florida Statutes are amended, to read:

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- Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:
- The child is alleged to be an escapee from a residential commitment program, or an absconder from a nonresidential commitment program, a probation program, or conditional release supervision, or is alleged to have escaped while being lawfully transported to or from a residential commitment program.
- The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.
- The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.
- The child is charged with committing an offense of domestic violence as defined in s. 741.28 and is detained as provided in s. 985.213(2)(b)3.
- The child is charged with possession or discharging a firearm on school property in violation of s. 790.115.
- The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.
- The child is charged with any second degree or third (a) degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

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- Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;
  - 2. Has a record of law violations prior to court hearings;
- Has already been detained or has been released and is awaiting final disposition of the case;
- Has a record of violent conduct resulting in physical injury to others; or
  - Is found to have been in possession of a firearm.
- The child is alleged to have violated the conditions of the child's probation or conditional release supervision. However, a child detained under this paragraph shall may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c., except that, if a consequence unit is not available, the child shall be placed on home detention. Subject to legislative appropriation, home detention under this paragraph shall be with with electronic monitoring.
- The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.
- The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, at two or more court hearings of any nature on

#### HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(k) The child at his or her adjudicatory hearing has been found to have committed a delinquent act or violation of law and has previously willfully failed to appear, after proper notice, for other delinquency court proceedings of any nature regardless of the results of the risk assessment instrument. A child may be held in secure detention, or at the discretion of the court and if available, placed on home detention with electronic monitoring until the child's disposition order is entered in his or her case. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention, except where the child is alleged to have absconded from a nonresidential commitment program in which case the court, at the detention hearing, shall order that the

# HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 2 (for drafter's use only)

child be released from detention and returned to his or her nonresidential commitment program. Unless a child is detained under paragraph (d), or paragraph (e), or paragraph (k) the court shall use the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(f).

- (5)(d) Except as provided in <u>paragraph</u> (2)(k), paragraph (g), <u>or s. 985.228(5)</u>, a child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.
- (g) Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case, the court may extend the time limits for detention specified in paragraph (c) or (d) an additional 9 days if the

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Amendment No. 2 (for drafter's use only)

child is charged with an offense that would be, if committed by an adult, a capital felony, a life felony, a felony of the first degree, or a felony of the second degree involving violence against any individual.

Section 3. Subsection (5) of section 985.228, Florida Statutes, is amended to read:

985.228. Adjudicatory hearings; withheld adjudications; orders of adjudication.--

- (5) (a) If the court finds that the child named in a petition has committed a delinquent act or violation of law, but elects not to proceed under subsection (4), it shall incorporate that finding in an order of adjudication of delinquency entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to deal with the child as adjudicated.
- (b) The order of adjudication of delinquency under paragraph (a) shall also include conditions that must be followed by the child until a disposition order is entered in his or her case. These conditions must include, but are not limited to, specifying that the child, during any period of time that he or she:
- 1. Is not in secure detention, must comply with a curfew; must attend school or another educational program, if eligible; and is prohibited from engaging in ungovernable behavior.
- 2. Is in secure detention, is prohibited from engaging in ungovernable behavior.
- (c) For purposes of this subsection, the term "ungovernable behavior" shall mean:
- 1. Failing to obey the reasonable and lawful demands of the child's parent or legal guardian and, where applicable, of a

Amendment No. 2 (for drafter's use only)

person responsible for supervising the child while he or she is in school, another educational program, or secure detention.

- 2. Engaging in behavior that evidences a risk that the child may fail to appear for future court proceedings or may inflict harm upon others or the property of others.
- 3. Other behavior as specified in writing by the court in the order of adjudication of delinquency.
- (d) If a child willfully violates a condition contained in his or her order of adjudication of delinquency, the court may find the child in direct or indirect contempt of court under s. 985.216; however, notwithstanding s. 985.216 and the results of the risk assessment instrument, the child's sanctions for such contempt of court shall be placement in secure detention, or at the discretion of the court and if available, on home detention with electronic monitoring until the child's disposition order is entered in his or her case.

194 ======== T I T L E A M E N D M E N T ========

Remove lines 2 through 4 and insert:

An act relating to juvenile justice; amending s. 985.207, F.S.; permitting a law enforcement officer to take a child into custody for a violation of adjudication order conditions; amending s. 985.215, F.S.; requiring specified home detention to be with electronic monitoring, subject to appropriation; permitting specified types of postadjudication detention for a child who has previously failed to appear at delinquency court proceedings regardless of risk assessment instrument results; providing exceptions that permit postadjudication detention for more than 15 days; conforming a cross-reference; amending s. 985.228, F.S.; requiring the court to include specified conditions in a child's order of adjudication of delinquency

#### HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

208	which apply during the postadjudication and predisposition
209	period; providing a definition; permitting a court to find a
210	child in contempt of court for a violation of adjudication order
211	conditions; providing sanctions; amending

#### HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

		B111 NO. <b>HB 333</b>
COUNCIL/COMMITTEE	ACTION	
ADOPTED	(Y/N)	
ADOPTED AS AMENDED	(Y/N)	_
ADOPTED W/O OBJECTION	$\mathbf{X}$ (Y/N)	ADOPTED
FAILED TO ADOPT	(Y/N)	
WITHDRAWN	(Y/N)	<u> </u>

Council/Committee hearing bill: Juvenile Justice Committee Representative Needelman offered the following:

#### Amendment (with title amendment)

Remove line(s) 321 through 341.

Remove line(s) 10 through 14 and insert:

intensive residential treatment; amending s. 985.317, F.S.;

deleting

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OTHER

#### **Juvenile Justice Committee**

2/8/2006 10:45:00AM

Location: 24 HOB

PCB JUVJ 06-01 : ch. 985, F.S.--reorganization

X	Favorable					
		Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gu	stavo Barreiro			Х		
Aud	drey Gibson				X	
Ma	tthew Meadows	X				
Mit	ch Needelman	X				
Fra	nk Peterman	X				
Ant	thony Traviesa	X				
Fay	ye Culp (Chair)	X				
		Total Yeas: 5	Total Nays:	0		

#### **Appearances:**

ch. 985, F.S.--reorganization Scott Bernstein, Circuit Judge (State Employee) - Proponent 73 West Flagler Street Miami FL 33130

Phone: 305-349-7020

Print Date: 2/8/2006 1:41 pm

#### **Juvenile Justice Committee**

2/8/2006 10:45:00AM

Location: 24 HOB

#### Other Business Appearance:

Juvenile Sex Offender Task Force Mark P. Fontaine, Executive Director (Lobbyist) - Information Only Florida Juvenile Justice Association 411 Office Plaza Drive

Tallahassee FL 32301 Phone: 850-671-3442

Juvenile Sex Offender Task Force

Shairi R. Turner, Chief Medical Director (State Employee) (At Request Of Chair) - Information Only Department of Juvenile Justice

2737 Centerview Drive Tallahassee FL 32399-3100 Phone: 850-922-9269

Juvenile Sex Offender Task Force

Richard Block, Director of Operations (General Public) - Proponent

Three Springs, Incorporated 508 Cedaredge Drive New Smyrna Beach FL 32168

Phone: 321-624-1657

Print Date: 2/8/2006 1:41 pm

Juvenile Sex Offender Task Force Ron Book (Lobbyist) - Information Only Self-family 209 East College Avenue Tallahassee FL

## Juvenile Justice Committee 2/8/2006 10:45:00AM

Location: 24 HOB

Summary:

**Juvenile Justice Committee** 

Wednesday February 08, 2006 10:45 am

HB 335 Favorable With Committee Substitute

Yeas: 6 Nays: 0

PCB JUVJ 06-01 Favorable

Yeas: 5 Nays: 0